

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

COALITION PLAINTIFFS' NOTICE OF UPCOMING ELECTIONS

In its December 2, 2020 Order (Doc. 1021), this Court deferred ruling on Plaintiffs' request for injunctive relief related to scanner settings (Doc. 990) until after the completion of the January 2021 runoff election. The Court acknowledged that it "is understandable that Plaintiffs seek a remedy here as soon as possible," but found that the "non-stop demands that have been placed upon the Secretary" were too great for the Court to consider granting relief at that time. (Doc. 1021 at 1).

The unusual demands upon the Secretary of State have now subsided and, as shown in Exhibit A, there are a number of upcoming elections across the State. The State House District 90 election will be held in DeKalb, Henry and Rockdale Counties on February 9, with a run-off if necessary on March 9. Also on February 9, citizens in Spalding, Fayette, Pike and Upson Counties will vote for the District

Attorney for the Griffin Judicial Circuit. Then, on March 16, elections will be held in 41 counties, such as the race for County Supervisor in Clinch County, the SPLOST in Schley County, the E-SPLOST in Elbert County, the probate judge in Macon County and the referendum on alcohol sales in Tattnall County. Runoffs from all the March 16 elections will be held on April 13.

These elections are well-suited to implementation of either of the two alternative simple and straightforward scanner remedies summarized in Plaintiffs' Reply Brief (Doc. 1016). The Order should direct the Secretary to direct every county superintendent to either 1) set the brightness setting to a value of twenty-five (25) on the ICC Scanning Devices, but to leave the other settings at their default values; or 2) set the Blank Contests filter to flag all undervotes for Vote Review Panel scrutiny. (*See* Doc. 106 at 5-7). It appears that all but five of the 46 elections on March 16 will feature only one race on the ballot and turnout is expected to be modest. Both options are effective remedies which can be selected at the discretion of the county to best match the specifics of their ballot content and local practices. The remedies will take county supervisors only minutes to complete and will greatly reduce the existing risk of disenfranchisement.

Respectfully submitted this 8th day of February, 2021.

/s/ Bruce P. Brown

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CERTIFICATE OF COMPLIANCE AND SERVICE

This Certificate has been prepared in accordance with the requirements of LR 5.1 and served on all counsel via the PACER-ECF system.

This 8th day of February, 2021.

/s/ Bruce P. Brown

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Currently Scheduled Elections through April 2021*

Date	Counties	Election
2/9/21	DeKalb, Henry, Rockdale	House Dist. 90
2/9/21	Spalding, Fayette, Pike, Upson	District Attorney
3/9/21	DeKalb, Henry, Rockdale	(Tentative) House District 90—Runoff--
3/16/21	Brantley	Probate
3/16/21	Brantley	County Board of Education Post 5
3/16/21	Clinch	County Surveyor
3/16/21	Jasper	County Commissioner District 1
3/16/21	Lamar	County Magistrate Judge
3/16/21	Whitfield	County Commissioner
3/16/21	Twiggs	County Bd of Education Chairman
3/16/21	Twiggs	County Bd of Education 3
3/16/21	Haralson	County Commissioner Dist 4
3/16/21	Ware	Sheriff
3/16/21	Macon	Probate Judge
3/16/21	Macon	SPLOST
3/16/21	Butts Co.	E-SPLOST
3/16/21	Carroll Co.	SPLOST
3/16/21	Catoosa Co.	E-SPLOST
3/16/21	Clay Co.	E-SPLOST
3/16/21	Clinch Co.	E-SPLOST
3/16/21	Dawson Co.	SPLOST VII
3/16/21	Dade Co.	Ballot Question
3/16/21	Decatur Co.	E-SPLOST
3/16/21	Dodge Co.	E-SPLOST
3/16/21	Elbert Co.	E-SPLOST
3/16/21	Glynn Co.	Referendum
3/16/21	Glynn Co.	SPLOST
3/16/21	Gordon Co.	E-SPLOST
3/16/21	Heard Co.	E-SPLOST
3/16/21	Henry Co.	E-SPLOST
3/16/21	Houston Co.	E-SPLOST
3/16/21	Jackson Co.	E-SPLOST
3/16/21	Lamar Co.	E-SPLOST

3/16/21	Liberty Co.	E-SPLOST
3/16/21	Macon Co.	SPLOST
3/16/21	McDuffie Co.	E-SPLOST
3/16/21	Meriwether Co.	SPLOST
3/16/21	Murray Co.	E-SPLOST
3/16/21	Oconee Co.	E-SPLOST
3/16/21	Pike Co.	SPLOST
3/16/21	Richmond Co.	SPLOST
3/16/21	Schley Co.	SPLOST
3/16/21	Screven Co.	E-SPLOST
3/16/21	Sumter Co.	E-SPLOST
3/16/21	Sumter Co.	E-SPLOST
3/16/21	Tattnall Co.	Alcohol sales
3/16/21	Troup Co.	E-SPLOST
3/16/21	Walker Co.	E-SPLOST
3/16/21	Wilkinson Co.	E-SPLOST
4/13/21		Runoffs from 3/16/21 elections

*Information obtained from Secretary of State Website as of February 15, 2021.